

DEC. 13. 2006 6:54PM

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NO. 0045 P. 15

DEC 13 2006

Application Serial No.: 10/633,371

Attorney Docket No.: 5259-14600US01

Response to Non-Final OA

REMARKS

The Office rejected claims 1-15 and 18-58 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,706,070 to Biscup. ("Biscup"). Applicants have amended independent claims 1, 36 and 49, and respectfully submit that the claims 1-15 and 18-58 are allowable over the prior art for the following reasons.

Claim 1 now recites a spinal implant with an anterior side having a first curvature; a posterior side having a second curvature, wherein the first curvature and the second curvature are substantially in the same direction. This is not disclosed or suggested in Biscup. Rather, Biscup merely discloses a first and/or second side wall that is at least partially arcuate (col. 4, lines 16-17). Therefore, claims 1-35, 96 and 97 should be allowed.

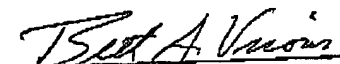
Claim 36 now recites a spinal implant with "a curved anterior side; a curved posterior side, wherein a cross-section formed by the anterior side and posterior side is substantially kidney-shaped. The features recited in claim 36 are not disclosed or suggested in the prior art. Therefore, independent claim 36 and dependent claims 37-48 should be allowed.

Claim 49 now recites a kidney-shaped body. Biscup does not suggest or disclose this feature. Thus, claims 49-58 should be allowed.

In view of the foregoing, it is submitted that the claims are in condition for allowance. Accordingly, favorable reconsideration and Notice of Allowance are courteously solicited. The examiner is invited to contact the undersigned at the phone number indicated below with any questions or comments, or to otherwise facilitate expeditious and compact prosecution of the application.

Respectfully submitted,  
Webb, *et al.*

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